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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,066	03/20/2001	Ruediger Bartz	951/49329	9690

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CROWELL & MORING LLP  
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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplemental*  
**Office Action Summary**

Application No.

09/700,066

Applicant(s)

BARTZ ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☒ Interview Summary (PTO-413) Paper No(s). 12.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                      6) ☐ Other:

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### **DETAILED ACTION**

This action is responsive to communication filed on October 15, 2003 and also serve the purpose of correcting the error made in mailing a notice of allowance and a rejection letter in response to the communication filed on October 15, 2003.

The notice of allowance mailed on the January 2, 2004 was in error and is therefore null and void.

A new response period for reply is set to expires 3 months from the mailing date of this action.

### ***Response to Amendment***

The examiner has acknowledged the amendment of claim 5 and the submission of the new specification.

### ***Response to Arguments***

Applicant's arguments with respect to claims 5-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S. Patent 4673921 in view of Toal, Jr. U.S. Patent 4797671 and further in view of Knipers U.S. Patent 4742356.

Regarding claim 5, Saito et al. teaches a mobile transponder (figure 1A) for a vehicle with an optical indicator (col. 3 lines 35-36), the mobile transponder comprises: evaluation logic (21) for providing output information concerning direction and location of the vehicle (col. 3 lines 30-35) and a display for displaying information concerning the location of the vehicle (col. 4 lines 44-55). Saito et al. teaches an antenna (17) for recognizing the signal from the vehicle (col. 3 line 35) but is however silent on teaching a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle. Toal, Jr. in an art related invention in the same field of endeavor of motor vehicle locator system teaches a vehicle location system in which the transponder (transmitter) transmits omnidirectional signal (col. 3 line 67-col. 4 line 2) which is considered three-dimensional because it transmit signal in all direction (x, y, and z) but is also silent on teaching the use of a plurality of antennas. Knipers in an art related invention for determining the location of an object teaches the use of a plurality of three-dimensional antennas for determining the location of an object (col. 2 lines 45-49).

It would have been obvious to one of ordinary skill in the art to have a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle in Saito et al. as evidenced by Toal, Jr. in view of Knipers because Saito et al. suggests an antenna recognizing the signal from the vehicle and Toal, Jr. teaches vehicle location system in which the transponder (transmitter) transmits omni directional signal and Knipers further

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teaches the use of a plurality of three-dimensional antennas for determining the location of an object.

Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S. Patent 4673921 in view of Toal, Jr. U.S. Patent 4797671 in view of Knipers U.S. Patent 4742356. and further in view of Culpepper et al. U.S. 5657026.

Regarding claims 6-7, Saito et al. in view of Toal, Jr. in view of Knipers teaches providing location information (U.S. Patent 4673921, col. 3 lines 33-36) but is silent on teaching providing an indication of the distance of the vehicle from the mobile transponder. Culpepper et al. in an art related Beacon Signal Receiving System teaches providing an indication of the distance of the vehicle from the mobile transponder (col. 3 lines 24-30) in order to provide additional location information to the user.

It would have been obvious to one of ordinary skill in the art to provide an indication of the distance of the vehicle from the mobile transponder in Saito et al. in view of Toal, Jr. in view of Knipers as evidenced by Culpepper et al. because Saito et al. in view of Toal, Jr. in view of Knipers suggests providing location information and Culpepper et al. teaches providing an indication of the distance of the vehicle from the mobile transponder in order to provide additional location information to the user.

**MICHAEL HORABIK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**



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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Vernal Brown  
February 3, 2004